

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 1999-632

October 12, 1999

PP&L ENERGYPLUS CO. LLC  
Application for License to Operate as a  
Competitive Electricity Provider

ORDER GRANTING LICENSE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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## **I. SUMMARY**

In this Order, we license PP&L EnergyPlus Co., LLC to operate as a competitive electricity provider in Maine pursuant to Chapter 305 of the Commission's Rules.

## **II. APPLICATION**

On September 10, 1999, PP&L EnergyPlus Co., LLC applied to the Commission for a license to operate in Maine as a competitive electricity provider, as provided in Chapter 305, which became effective on February 8, 1999. On September 29, 1999, PP&L EnergyPlus Co., LLC filed additional information to supplement its earlier filing.

### **A. Application Sufficient**

The Administrative Director determined that PP&L EnergyPlus Co., LLC's application was complete and sufficient to meet the filing requirements of Chapter 305, and docketed the application in this proceeding on September 10, 1999.

### **B. Type of Service Proposed**

PP&L EnergyPlus Co., LLC proposes to sell electric service to the public at retail as a competitive electricity provider. PP&L EnergyPlus Co., LLC's application states that the proposed licensee plans to market "electric, natural gas, and energy services to commercial and industrial business customers throughout the State of Maine that are within the NEPOOL/ISO-New England Control Area." The Applicant states that it "does not intend to market to residential customers" at this time.

### **C. Fee Paid**

With its application, PP&L EnergyPlus Co., LLC paid a \$100 fee to the Commission, as required by section 2(C)(5) of Chapter 305.

### **III. FINANCIAL ISSUES**

#### **A. Security**

Section 2(B)(1)(a)(i) of Chapter 305 states that “a license will not be issued or remain in force until the applicant or licensee furnishes a surety bond or letter of credit” meeting requirements of that rule. The initial security level is set by section 2(B)(1)(a)(ii) as \$100,000.

PP&L EnergyPlus Co., LLC has furnished a surety bond in the amount of \$100,000 as its security instrument, with supporting materials as required by section 2(B)(1)(a)(iv) of Chapter 305. We have reviewed that instrument and find that it conforms to the requirements of Chapter 305.

#### **B. Showing of Professional and Financial Capability**

We find that the security instrument provided by PP&L EnergyPlus Co., LLC as described above demonstrates that PP&L EnergyPlus Co., LLC has financial capability to engage in its proposed business as a competitive electricity provider in Maine.

### **IV. TECHNICAL ISSUES**

#### **A. Showing of Technical Capability**

PP&L EnergyPlus Co., LLC, as a competitive electricity provider in Maine, must demonstrate it has the technical ability to enter necessary interconnection arrangements or contracts with Maine utilities, pursuant to section 2(B)(2)(a) of Chapter 305. In its application, PP&L EnergyPlus Co., LLC provided information demonstrating its ability to enter into such arrangements or contracts, although it stated it had not yet reached such agreements. Accordingly, PP&L EnergyPlus Co., LLC shall not act to enroll customers or provide generation service until all required contracts have been executed consistent with Commission rules. PP&L EnergyPlus Co., LLC shall notify the Commission when all such contracts have been executed.

Section 2(B)(2)(b) of Chapter 305 requires an applicant to demonstrate that it has the technical ability to secure generation or otherwise obtain and deliver electricity meeting all applicable requirements for the bulk power system control area in which the applicant would provide service. PP&L EnergyPlus Co., LLC filed information demonstrating its technical capability to meet that requirement within the NEPOOL/ISO-NE portion of the Northeast Power Coordinating Council control area. We have reviewed that information and find that it complies with the requirements of Chapter 305. PP&L EnergyPlus Co., LLC also documented that it will meet the NEPOOL transaction provisions required by section 2(B)(2)(b)(ii) of Chapter 305.

B. Resource Portfolio

PP&L EnergyPlus Co., LLC, as a competitive electricity provider in Maine, pursuant to section 2(B)(4) of Chapter 305, must demonstrate its ability to meet the resource portfolio requirement of 35-A M.R.S.A. § 3210 and the portfolio requirement reporting rules in Chapter 311 of the Commission's rules. PP&L EnergyPlus Co., LLC filed information demonstrating its ability to meet these requirements. We have reviewed that information and find that it complies with the requirements of Chapter 305.

**V. CONSUMER PROTECTION ISSUES**

A. Showing of Fitness

In its application, PP&L EnergyPlus Co., LLC provided information required by Chapter 305 section 2(B)(3) related to enforcement proceedings and customer complaints. We have reviewed that information and find that it meets the requirements of Chapter 305.

B. Ability to Comply with Consumer Protection Rules

PP&L EnergyPlus Co., LLC provided information demonstrating its ability to comply with the applicable consumer protection requirements of Chapter 305 and other consumer protection requirements pursuant to 35-A M.R.S.A. Chapter 32 and other relevant provisions of Maine law. We have reviewed that information and find that it meets the requirements of Chapter 305.

C. Do-Not-Call List

Chapter 305 section 4(l) states that "[t]he Commission will maintain or cause to be maintained a 'Do-Not-Call' list of customers who have requested -- orally, in writing, or by commercially accepted electronic means -- that they not receive telemarketing calls from competitive electricity providers." We require that licensees use do-not-call list mechanisms already in place nationally to satisfy that requirement. To the extent that it telemarkets to Maine consumers, PP&L EnergyPlus Co., LLC shall comply with the following requirements.

PP&L EnergyPlus Co., LLC must comply with the requirements of the Telephone Consumer Protection Act,<sup>1</sup> the Telemarketing and Consumer Fraud and Abuse Prevention Act,<sup>2</sup> and related rules of the Federal Communications Commission<sup>3</sup> and

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<sup>1</sup>47 U.S.C. § 227

<sup>2</sup>15 U.S.C. §§ 6101-6108

<sup>3</sup>47 CFR 64.1200

Federal Trade Commission.<sup>4</sup> PP&L EnergyPlus Co., LLC must comply with those requirements and must maintain its own do-not-call list as required by those laws and rules, for all intrastate and interstate telemarketing of Maine consumers, including both residential and business customers. PP&L EnergyPlus Co., LLC shall not telemarket to Maine customers on that list, as required in Chapter 305 section 4(l)(1). PP&L EnergyPlus Co., LLC shall update its do-not-call list at least monthly, and maintain copies of that list for at least six months. PP&L EnergyPlus Co., LLC shall provide a copy of that list to the Commission upon request.

Further, each month, PP&L EnergyPlus Co., LLC must obtain listings of Maine consumers who have arranged to be included on the do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc.<sup>5</sup> PP&L EnergyPlus Co., LLC shall not telemarket to Maine customers on that list, as required in Chapter 305 section 4(l)(1).

## **VI. ADDITIONAL PROVISIONS**

PP&L EnergyPlus Co., LLC must comply with all applicable requirements and limitations in Chapter 305 not explicitly waived in this Order. PP&L EnergyPlus Co., LLC must also comply with all requirements and limitations in other applicable Commission rules, including any applicable future changes in Maine laws and Commission rules, and in other parts of this Order.

## **VII. ORDERING PARAGRAPHS**

Accordingly, we

1. license PP&L EnergyPlus Co., LLC to operate as a competitive electricity provider to serve commercial and industrial business customers in Maine, pursuant to Chapter 305 of the Commission's Rules;
2. order PP&L EnergyPlus Co., LLC to comply with all Do-Not-Call List requirements contained in Part V(C) of this Order to the extent that it telemarkets to Maine consumers; and
3. order that this license is effective on the date of this Order and valid until revoked by the Commission pursuant to section 3(A)(4) of Chapter 305, or abandoned by the licensee pursuant to sections 2(C)(9) and 2(C)(11) of Chapter 305 of the Commission's Rules.

Dated at Augusta, Maine, this 12th day of October, 1999.

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<sup>4</sup>FTC Telemarketing Sales Rule, 16 CFR Part 310

<sup>5</sup>Telephone Preference Service, Direct Marketing Association, Inc., P.O. Box 9014, Farmingdale, NY 11735-9014

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent  
Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission to the Maine Supreme Judicial Court, sitting as the Law Court, is not available, as provided in 47 U.S.C. § 252(e)(6).
3. Review of this discussion is available to an aggrieved party by bringing an action in federal district court, as provided in 47 U.S.C. § 252(e)(6).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.